

**BOARD OF SUPERVISORS**

**MINUTES**

**October 25, 2006**

**Supervisors in Attendance:**

Mr. R. M. "Dickie" King, Jr.,  
Chairman  
Mr. Kelly E. Miller, Vice Chrm.  
Ms. Terri Cofer Beirne  
Mrs. Renny Bush Humphrey  
Mr. Arthur S. Warren  
  
Mr. Lane B. Ramsey  
County Administrator

**Staff in Attendance:**

Lieutenant Barry Arnold,  
Sheriff's Office  
Colonel Carl R. Baker,  
Police Department  
Mr. J. Edward Beck, Asst.  
Dir., Utilities  
Mr. George Braunstein,  
Exec. Dir., Community  
Services Board  
Mr. Allan Carmody, Dir.,  
Budget and Management  
Ms. Marilyn Cole, Asst.  
County Administrator  
Ms. Mary Ann Curtin, Dir.,  
Intergovtl. Relations  
Ms. Rebecca Dickson, Dep.  
County Administrator for  
Human Services  
Ms. Lisa Elko, CMC,  
Clerk  
Mr. Michael Golden, Dir.,  
Parks and Recreation  
Mr. John W. Harmon,  
Right-of-Way Manager  
Mr. Russell Harris, Mgr.  
of Community Development  
Services  
Mr. Donald Kappel, Dir.,  
Public Affairs  
Ms. Mary Lou Lyle, Dir.,  
Accounting  
Chief Paul Mauger,  
Fire Department  
Mr. R. John McCracken,  
Dir., Transportation  
Mr. Richard M. McElfish,  
Dir., Env. Engineering  
Mr. Steven L. Micas,  
County Attorney  
Mr. Francis Pitaro, Dir.,  
General Services  
Ms. Sarah Snead, Dir.,  
Social Services  
Mr. James J. L. Stegmaier,  
Deputy Co. Admin.,  
Management Services  
Mr. M. D. Stith, Jr.,  
Deputy Co. Admin.,  
Community Development  
Mr. Kirk Turner, Dir.,  
Planning

Mr. King called the regularly scheduled meeting to order at 4:03 p.m.

**1. APPROVAL OF MINUTES FOR OCTOBER 11, 2006**

On motion of Mrs. Humphrey, seconded by Ms. Beirne, the Board approved the minutes of October 11, 2006, as submitted.

Ayes: King, Miller, Beirne, Humphrey and Warren.

Nays: None.

**2. COUNTY ADMINISTRATOR'S COMMENTS**

**O ACCESS TRANSPORTATION PRESENTATION**

Ms. Dickson recognized Ms. Dawn Missory, Administrative Manager, and Mr. Frank Vance, Transportation Program Coordinator, who have made the Access Transportation Program successful. She then presented an overview of the Chesterfield Access Transportation Program, which provides non-emergency transportation to low-income, elderly, and/or disabled county residents. She stated, after nearly two years of operation, the program has approximately 1,080 registered passengers, 11 percent of which use the service on a weekly basis. She further stated the riders pay 30 percent of the cost of each trip, indicating that the average price per trip for a rider is \$7.25. She reviewed total trips provided and customers served from November 2004 to August 2006. She stated 45 percent of the total trips in FY06 were to medical appointments, 36 percent to work, 14 percent to leisure activities, and 5 percent to school. She reviewed passenger registration data and provided details of possible future issues and initiatives of the program.

Discussion ensued relative to the possibility of passing cost savings on to riders if lower fuel prices result in decreased trip costs and to the demographics of residents who are using the service.

Mr. Miller stated this is a great program because it serves the residents that need to be served the most.

**3. BOARD MEMBER REPORTS**

Mr. King expressed condolences to the family of Mr. Jim Clark, a candidate for Commissioner of Revenue in the 2003 election, who recently passed away.

**4. REQUESTS TO POSTPONE AGENDA ITEMS AND ADDITIONS, OR CHANGES IN THE ORDER OF PRESENTATION**

There were no requests to postpone agenda items, additions or changes in the order of presentation at this time.

**5. RESOLUTIONS AND RECOGNITIONS**

There were no resolutions or recognitions at this time.

**6. WORK SESSIONS**

There were no work sessions at this time.

**7. DEFERRED ITEMS**

There were no deferred items at this time.

**8. NEW BUSINESS**

**8.A. APPOINTMENT**

On motion of Mrs. Humphrey, seconded by Mr. King, the Board suspended its rules at this time to allow for simultaneous nomination/appointment of a member to serve on the Petersburg Area Regional Tourism Corporation.

Ayes: King, Miller, Beirne, Humphrey and Warren.

Nays: None.

**O PETERSBURG AREA REGIONAL TOURISM CORPORATION**

On motion of Mrs. Humphrey, seconded by Mr. Warren, the Board simultaneously nominated/appointed Ms. Marilyn Cole to serve on the Petersburg Area Regional Tourism Corporation, whose term is effective immediately and expires June 30, 2009.

Ayes: King, Miller, Beirne, Humphrey and Warren.

Nays: None.

**8.B. CONSENT ITEMS**

**8.B.1. AWARD CONSTRUCTION CONTRACT TO COMMERCIAL CONCRETE SOLUTION, LLC AND TRANSFER OF FUNDS FOR QUAIL OAKS/KINGSDALE ROAD DRAINAGE IMPROVEMENTS**

On motion of Mr. King, seconded by Mrs. Humphrey, the Board awarded a \$195,029.30 construction contract for the Quail Oaks/Kingsdale Road Drainage Project to Commercial Concrete Solution, LLC; transferred \$86,896 from the miscellaneous drainage account; transferred \$42,073 from various completed projects; and transferred \$75,000 from the Pocoshock Stream Restoration Project into the Quail Oaks/Kingsdale Road drainage account; and authorized the County Administrator to execute the necessary documents.

Ayes: King, Miller, Beirne, Humphrey and Warren.

Nays: None.

**8.B.2. STATE ROAD ACCEPTANCE**

On motion of Mr. King, seconded by Mrs. Humphrey, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

**Type Change to the Secondary System of State Highways:      Addition**

**Basis for Change:**                      **Addition, Secondary System, New subdivision street**

**Statutory Reference:**                **§33.1-229**

**Project:**                      **Collington, Section 5**

●                      **Forest Row Trail, State Route Number: 5998**

From:                      0.03 mi. E of Denby Dale Dr., (Rt. 5990)

To:                      Brading Ln., (Rt. 5991), a distance of: 0.16 miles.

Right-of-way record was filed on 1/13/2005 with the Office Of Clerk To Circuit Court in Pb. 150, Pg 94,  
with a width of 44 feet

●                      **Brading Lane, State Route Number: 5991**

From:                      Forest Row Trl., (Rt. 5998)

To:                      Temp EOM, a distance of: 0.03 miles.

Right-of-way record was filed on 1/13/2005 with the Office Of Clerk To Circuit Court in Pb. 150, Pg 94,  
with a width of 44 feet

●                      **Forest Row Trail, State Route Number: 5998**

From:                      Brading Ln., (Rt. 5991)

To:                      Temp EOM, a distance of: 0.02 miles.

Right-of-way record was filed on 1/13/2005 with the Office Of Clerk To Circuit Court in Pb. 150, Pg 94,  
with a width of 44 feet

●                      **Brading Lane, State Route Number: 5991**

From:                      Forest Row Trl., (Rt. 5998)

To:                      Temp EOM, a distance of: 0.06 miles.

Right-of-way record was filed on 1/13/2005 with the Office Of Clerk To Circuit Court in Pb. 150, Pg 94,  
with a width of 44 feet

And, further, the Board adopted the following resolution:

WHEREAS, the streets described below are shown on plats recorded in the Clerk's Office of the Circuit Court of Chesterfield County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board the streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation.

NOW, THEREFORE, BE IT RESOLVED, that this Board requests the Virginia Department of Transportation to add the streets described below to the secondary system of state highways, pursuant to Section 33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements.

AND, BE IT FURTHER RESOLVED, that this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage.

AND, BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

**Type Change to the Secondary System of State Highways:      Addition**

**Basis for Change:**                      **Addition, Secondary System, New subdivision street**

**Statutory Reference:**                  **§33.1-229**

**Project:**                      **Manders Drive**

●                      **Manders Drive, State Route Number: 7104**

From:                      Charter Colony (Rt. 950)

To:                      0.04 mi. E of Charter Colony (Rt. 950), a distance of: 0.04 miles.

Right-of-way record was filed on 10/16/2003 with the Office Of Clerk To Circuit Court in Db. 5432 Pg. 258,

with a width of 80 feet

●                      **Manders Drive, State Route Number: 7104**

From:                      0.04 mi. E of Charter Colony (Rt. 950)

To:                      Coalfield Rd., (Rt. 754), a distance of: 0.23 miles.

Right-of-way record was filed on 10/16/2003 with the Office Of Clerk To Circuit Court in Db. 5432 Pg. 258,

with a width of 80 feet

Ayes: King, Miller, Beirne, Humphrey and Warren.

Nays: None.

**8.B.3.      SET PUBLIC HEARING TO CONSIDER TECHNICAL AMENDMENTS TO CHESTERFIELD COUNTY CODE SECTION 9-132, RELATING TO PROCESSING FEES AND FEES FOR COURTHOUSE SECURITY**

On motion of Mr. King, seconded by Mrs. Humphrey, the Board set the date of November 21, 2006 at 7:00 p.m. for a public hearing for the Board to consider amendments to Section 9-132 of the County Code relating to the collection of processing

fees for persons admitted to jail following conviction and fees for courthouse security.

Ayes: King, Miller, Beirne, Humphrey and Warren.

Nays: None.

**8.B.4. ACCEPTANCE OF PARCELS OF LAND**

**8.B.4.a. FOR THE CHESDIN WEST WATER PUMP STATION FROM APPOMATTOX RIVER WATER AUTHORITY**

On motion of Mr. King, seconded by Mrs. Humphrey, the Board accepted the conveyance of parcels of land containing a total of 2.07 acres from Appomattox River Water Authority, and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: King, Miller, Beirne, Humphrey and Warren.

Nays: None.

**8.B.4.b. ADJACENT TO THE NORTH RIGHT OF WAY LINE OF GENITO ROAD FROM JO ANN SMITH JOHNSON**

On motion of Mr. King, seconded by Mrs. Humphrey, the Board accepted the conveyance of a parcel of land containing 0.09 acres from Jo Ann Smith Johnson, and authorized the County Administrator to execute the deed. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: King, Miller, Beirne, Humphrey and Warren.

Nays: None.

**8.B.5. REQUEST TO QUITCLAIM PORTIONS OF SIXTEEN-FOOT WATER EASEMENTS ACROSS THE PROPERTY OF BRECKENRIDGE 2005 LLC**

On motion of Mr. King, seconded by Mrs. Humphrey, the Board authorized the Chairman of the Board of Supervisors and the County Administrator to execute a quitclaim deed to vacate portions of 16-foot water easements across the property of Breckenridge 2005 LLC. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: King, Miller, Beirne, Humphrey and Warren.

Nays: None.

**8.B.6. REQUEST FOR PERMISSION FROM HAROLD SUTER AND ALICE B. SUTER, G. GARLAND CURTIS AND CAROLINE D. CURTIS TO INSTALL A PRIVATE SEWER SERVICE WITHIN A PRIVATE EASEMENT TO SERVE PROPERTY ON WOODS EDGE ROAD**

On motion of Mr. King, seconded by Mrs. Humphrey, the Board approved a request from Harold Suter and Alice B. Suter, G. Garland Curtis and Caroline D. Curtis for permission to install a private sewer service within a private easement to serve property at 16001 Woods Edge Road, and authorized the County Administrator to execute the sewer connection

agreement. (It is noted a copy of the plat is filed with the papers of this Board.)

Ayes: King, Miller, Beirne, Humphrey and Warren.

Nays: None.

**8.B.7. ADOPTION OF THE 2007 LEGISLATIVE PROGRAM**

On motion of Mr. King, seconded by Mrs. Humphrey, the Board adopted the county's 2007 Legislative Program.

Ayes: King, Miller, Beirne, Humphrey and Warren.

Nays: None.

**8.B.8. ADOPTION OF RESOLUTION RECOGNIZING NOVEMBER 9, 2006, AS "METROPOLITAN RICHMOND DAY" IN CHESTERFIELD COUNTY, VIRGINIA**

On motion of Mr. King, seconded by Mrs. Humphrey, the Board adopted the following resolution:

WHEREAS, ten years ago, Hope in the Cities, an inter-racial, multi-faith coalition of individuals in government, business, education, media and community organizations, developed A Call to Community to inspire honest dialogue and create a vision of community that transcends borders; and

WHEREAS, in 1996, the Chesterfield County Board of Supervisors adopted a resolution endorsing A Call to Community; and

WHEREAS, since then, thousands of Richmond region residents have engaged in honest conversation and have accepted personal responsibility for building community across race, religion, economic class and other differences; and

WHEREAS, government, business, civic and faith leaders have pursued greater collaboration for the benefit of all residents of the Richmond region, working together for economic development, health and human services, as well as environmental protection; and

WHEREAS, the Richmond region continues to grow in the number and diversity of its people, in its relationships with different peoples around the world, and in its understanding that "all life is interrelated," and that "all men are caught in an inescapable network of mutuality, tied in a single garment of destiny"; and

WHEREAS, we aspire to foster a healthy, inclusive, welcoming community across the Richmond region, in which each person, today and for generations to come, can enjoy fulfillment of life.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors, this 25<sup>th</sup> day of October 2006, publicly recognizes the importance, on its 10<sup>th</sup> anniversary, of A Call to Community, and recognizes November 9, 2006, as "Metropolitan Richmond Day" in Chesterfield County, Virginia.

Ayes: King, Miller, Beirne, Humphrey and Warren.

Nays: None.

**9. REPORTS**

**9.A. REPORT ON STATUS OF GENERAL FUND BALANCE, RESERVE FOR FUTURE CAPITAL PROJECTS, DISTRICT IMPROVEMENT FUNDS AND LEASE PURCHASES**

**9.B. REPORT ON DEVELOPER WATER AND SEWER CONTRACTS**

On motion of Mrs. Humphrey, seconded by Mr. King, the Board accepted the following reports: A Report on the Status of General Fund Balance, Reserve for Future Capital Projects, District Improvement Funds and Lease Purchases; and a Report on Developer Water and Sewer Contracts.

Ayes: King, Miller, Beirne, Humphrey and Warren.

Nays: None.

**10. FIFTEEN-MINUTE CITIZEN COMMENT PERIOD ON UNSCHEDULED MATTERS**

There were no requests from citizens to address the Board at this time.

**11. DINNER**

On motion of Mr. King, seconded by Mrs. Humphrey, the Board recessed to the Administration Building, Room 502 for dinner.

Ayes: King, Miller, Beirne, Humphrey and Warren.

Nays: None.

Reconvening:

**12. INVOCATION**

Mr. Miller gave the invocation.

**13. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA**

Mr. Russell Harris led the Pledge of Allegiance to the flag of the United States of America.

**14. RESOLUTIONS**

**14.A. RECOGNIZING LONNIE AND PAT MCCOY FOR THEIR OUTSTANDING CONTRIBUTIONS TO THE RAYON PARK COMMUNITY AND CHESTERFIELD COUNTY**

Mr. Harris introduced Lonnie and Pat McCoy, who were present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, Lonnie and Pat McCoy are Chesterfield County residents who live in the Rayon Park community; and



WHEREAS, Mr. and Mrs. McCoy recognized that there was an ongoing problem with the failure of septic tanks in the Rayon Park community; and

WHEREAS, Mr. and Mrs. McCoy became advocates for the replacement of the older septic tanks with connectivity to public sewer; and

WHEREAS, Mr. and Mrs. McCoy led the efforts to organize the Rayon Park Homeowners Association in 2002; and

WHEREAS, Mr. and Mrs. McCoy have served as president and secretary of the Rayon Park Homeowners Association since its inception; and

WHEREAS, Mr. and Mrs. McCoy spent countless hours of their time ensuring the smooth operation of the homeowners association while working jointly with county staff and Rayon Park residents; and

WHEREAS, Mr. and Mrs. McCoy's efforts led to the county mobilizing a team to recommend the most efficient and cost effective approaches to addressing Rayon Park's septic failures; and

WHEREAS, Mr. and Mrs. McCoy's hard work on behalf of their community helped promote the safety of residents and their connection to the county's sewer system; and

WHEREAS, Mr. and Mrs. McCoy's example of civic involvement and dedication is an inspiration to their neighbors; and

WHEREAS, it is appropriate to recognize Mr. and Mrs. McCoy for providing a model of unselfish, responsible and cooperative citizenship.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors, this 25<sup>th</sup> day of October 2006, publicly recognizes Lonnie and Pat McCoy for their service to the Rayon Park community.

AND, BE IT FURTHER RESOLVED that a copy of this resolution be presented to Mr. and Mrs. McCoy and that this resolution be permanently recorded among the papers of this Board of Supervisors of Chesterfield County, Virginia.

Ayes: King, Miller, Beirne, Humphrey and Warren.

Nays: None.

Mr. King presented the executed resolution to Mr. and Mrs. McCoy and commended them on their civic-minded efforts to improve the Rayon Park community.

Mr. and Mrs. McCoy expressed appreciation to the Board, Mr. Ramsey and Mr. Harris for the assistance they provided to the Rayon Park community.

**14.B. RECOGNIZING MR. JIM TRIESLER AS VIRGINIA'S REGION I  
TEACHER OF THE YEAR**

Mr. Kappel introduced Mr. Jim Triesler, who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, Mr. James E. Triesler is a social studies teacher at Clover Hill High School; and

WHEREAS, Mr. Triesler created a research and technology class that connects students to history by taking them into museums and archives to learn from primary documents; and

WHEREAS, Mr. Triesler's research and technology class has created a web site ([www.ittookawar.com](http://www.ittookawar.com)) about World War II and to honor people who lived during that time; and

WHEREAS, Mr. Triesler is the 2007 Chesterfield County Teacher of the Year; and

WHEREAS, Mr. Triesler also has been selected as Virginia's Region I Teacher of the Year; and

WHEREAS, Mr. Triesler is competing this fall for the Virginia Teacher of the Year title.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors, this 25<sup>th</sup> day of October 2006, publicly recognizes Mr. James E. Triesler for his demonstrated excellence in teaching, congratulates him on his accomplishments to date, and extends its best wishes for success in the Virginia Teacher of the Year competition.

AND, BE IT FURTHER RESOLVED that a copy of this resolution be presented to Mr. Triesler and that this resolution be permanently recorded among the papers of this Board of Supervisors of Chesterfield County, Virginia.

Ayes: King, Miller, Beirne, Humphrey and Warren.

Nays: None.

Mr. Warren presented the executed resolution to Mr. Triesler, accompanied by Dr. Deborah Marks, Principal of Clover Hill High School and congratulated him on his accomplishments.

Mr. Triesler expressed appreciation to the Board for the recognition, to Dr. Marks and Mr. Sloan Burns, Coordinator of the Math and Science High School for their support, and to the students of his research and technology class.

**14.C. RECOGNIZING "CHRISTMAS MOTHER DAY" IN CHESTERFIELD  
COUNTY**

Ms. Snead introduced Ms. Sharon Robertson, who was present to receive the resolution.

On motion of the Board, the following resolution was adopted:

WHEREAS, most families in Chesterfield County enjoy peace and happiness during the Christmas holidays; and

WHEREAS, there are many children, elderly and the less fortunate, who do not have the means to enjoy this special time of year; and

WHEREAS, the Chesterfield-Colonial Heights Christmas Mother Program has successfully provided food, gifts and clothing to many of our citizens in the past; and

WHEREAS, Ms. Sharon Robertson has been elected Christmas Mother for 2006 and requests support of all the citizens of Chesterfield County to ensure that those less fortunate may enjoy this special season of the year.

NOW, THEREFORE, BE IT RESOLVED that the Chesterfield County Board of Supervisors publicly recognizes October 17, 2006, as "Christmas Mother Day" and urges all citizens of Chesterfield County to support this worthy endeavor.

AND, BE IT FURTHER RESOLVED that the Board of Supervisors publicly commends the Christmas Mother Program for its successful efforts in past years and extends best wishes for a successful 2006 season.

AND, BE IT FURTHER RESOLVED that a copy of this resolution be presented to Ms. Robertson and that this resolution be permanently recorded among the papers of this Board of Supervisors of Chesterfield County, Virginia.

Ayes: King, Miller, Beirne, Humphrey and Warren.

Nays: None.

Mr. Miller presented the executed resolution and a contribution, on behalf of the county, to Ms. Robertson and wished her well in her endeavors as this year's Christmas Mother.

Ms. Robertson expressed appreciation to the Board and county employees for their generous support of the Christmas Mother Program.

**15. REQUESTS FOR MANUFACTURED HOME PERMITS AND REZONING  
PLACED ON THE CONSENT AGENDA TO BE HEARD IN THE  
FOLLOWING ORDER: - WITHDRAWALS/DEFERRALS - CASES WHERE  
THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO  
OPPOSITION - CASES WHERE THE APPLICANT DOES NOT ACCEPT  
THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION  
WILL BE HEARD AT SECTION 17**

**06SN0194 (Amended)**

In Clover Hill Magisterial District, BLUESTONE REAL ESTATE, LLC requests rezoning and amendment of zoning district map from Agricultural (A) and Corporate Office (O-2) to Residential Townhouse (R-TH) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 8.0 units per acre is permitted in a Residential Townhouse (R-TH) District. The Comprehensive Plan suggests the property is appropriate for mixed use corridor use. This request lies on 28.9 acres fronting approximately 1,220 feet on the north line of Hull Street Road at its intersection with Ladino Lane. Tax IDs 750-687-

7530, 9465, 9741 and 9882; and 751-687-1519, 3263, 6434 and 6883.

Mr. Turner stated Mr. Warren has requested a deferral of Case 06SN0194 until November 21, 2006.

Mr. John Easter, representing the applicant, stated the deferral is acceptable.

Mr. King called for public comment.

No one came forward to speak to the deferral.

On motion of Mr. Warren, seconded by Mr. Miller, the Board deferred Case 06SN0194 until November 21, 2006.

Ayes: King, Miller, Beirne, Humphrey and Warren.

Nays: None.

#### **06SR0340**

In Dale Magisterial District, BOBBY AND KATHY SPROUSE request renewal of Conditional Use (Case 03AN0229) and amendment of zoning district map to permit a business (motor vehicle repair) incidental to a dwelling unit. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for mixed use corridor use. This request lies in a Residential (R-7) District on 1.4 acres fronting approximately 200 feet on the north line of Omo Road approximately 530 feet east of Old Zion Hill Road. Tax IDs 773-681-2145 and 3148.

Mr. Turner stated Mr. Miller has requested that Case 06SR0340 be deferred until November 21, 2006.

Mrs. Kathy Sprouse stated the deferral is acceptable.

Mr. King called for public comment.

No one came forward to speak to the deferral.

On motion of Mr. Miller, seconded by Mr. Warren, the Board deferred Case 06SR0340 until November 21, 2006.

Ayes: King, Miller, Beirne, Humphrey and Warren.

Nays: None.

#### **06SN0234 (Amended)**

In Matoaca Magisterial District, ROBERT SOWERS requests rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.2 units per acre or less. This request lies on 220.2 acres fronting the north and south lines of Quailwood Road approximately 1,500 feet west of

Bailey Bridge Road, also lying at the northern terminus of Holly View Parkway. Tax IDs 732-672-9726 and 733-673-8753.

Mr. Turner stated the applicant has requested a deferral of Case 06SN0234 until December 13, 2006.

Mr. Cliff Sowers, representing the applicant, requested a deferral until December 13, 2006.

Mr. King called for public comment.

No one came forward to speak to the deferral.

On motion of Mrs. Humphrey, seconded by Mr. King, the Board deferred Case 06SN0234 until December 13, 2006.

Ayes: King, Miller, Beirne, Humphrey and Warren.

Nays: None.

#### **06SN0200 (Amended)**

In Bermuda Magisterial District, PHILLIP W. HUGHES requests rezoning and amendment of zoning district map from Residential (R-7) to Corporate Office (O-2). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for office/residential mixed use uses. This request lies on 1.4 acres fronting approximately 200 feet on the north line of West Hundred Road, also fronting approximately 200 feet on the west line of Osborne Road and located in the northwest quadrant of the intersection of these roads. Tax IDs 793-656-4144, 4148, 4425 and 5233.

Mr. Turner presented a summary of Case 06SN0200 and stated the Planning Commission and staff recommended approval and acceptance of the proffered conditions.

Mr. Dean Hawkins, representing the applicant, stated the recommendation is acceptable.

On motion of Mr. King, seconded by Mr. Warren, the Board approved Case 06SN0200 and accepted the following proffered conditions:

1. Timbering Restriction. With the exception of timbering to remove dead or diseased trees which have been approved by the Virginia Division of Forestry, there shall be no timbering until a Land Disturbance Permit has been issued by the Environmental Engineering Department and the appropriate devices installed. (EE)
2. Stormwater Management. Stormwater management shall be provided by onsite retention or a combination of onsite and offsite improvements as approved by the Chesterfield County Department of Environmental Engineering. (EE)
3. Use of Public Utilities. The public water and wastewater systems shall be used. (U)

4. Transportation.

a. Right-of-Way Dedication.

- i) West Hundred Road. Prior to final site plan approval, forty-five (45) feet of right-of-way, as measured from the centerline of that part of West Hundred Road (State Route 10) directly adjacent to the Property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County.
- ii) Osborne Road. Prior to site plan approval, thirty-five (35) feet of right-of-way, as measured from the centerline of that part of Osborne Road (State Route 616) directly adjacent to the Property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County.
- iii) Additional Requirements. Any additional right-of-way or easements shall be dedicated, free and unrestricted, to and for the County of Chesterfield which may be required for the improvements not otherwise provided for or described herein. (T)

b. Vehicular Access Restrictions.

- i) West Hundred Road. There shall be no direct vehicular access to the request parcel from West Hundred Road.
- ii) Osborne Road. Any direct vehicular access to Osborne Road shall be approved by the Planning Commission.

5. Use Limitations. The uses permitted shall be limited to the following:

- a) Churches and/or Sunday schools.
- b) Offices. (P)

6. Architectural Design. Building shall not exceed a cumulative total of 8,000 gross square feet. All buildings shall have an architectural style compatible with surrounding residential neighborhoods. Compatibility may be achieved through the use of similar building massing, materials, scale or other architectural features. The building elevations shall be approved by the Planning Commission. (P)

Ayes: King, Miller, Beirne, Humphrey and Warren.

Nays: None.

**06SN0250**

In Dale Magisterial District, SHAWN WEST requests Conditional Use and amendment of zoning district map to permit a family day care home in a Residential (R-7) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the

property is appropriate for residential use of 2.51-4.0 dwelling units per acre. This request lies on 0.7 acre and is known as 7401 Hopkins Road. Tax ID 782-677-2190.

Mr. Turner presented a summary of Case 06SN0250 and stated the Planning Commission and staff recommended approval subject to conditions.

No one was present representing the applicant.

Mr. Miller expressed concerns that the applicant has failed to show up on two occasions and has not contacted him concerning this request. He stated he will not support the request without the applicant being present to accept the conditions.

It was generally agreed that the request be moved until later in the agenda and that staff try to contact the applicant.

### **06SN0315**

In Bermuda Magisterial District, CALVARY BAPTIST CHURCH requests Conditional Use Planned Development and amendment of zoning district map to permit a computer-controlled, variable message, electronic sign. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community commercial/mixed use corridor use. This request lies in Residential (R-7) and Community Business (C-3) Districts on 2.4 acres fronting approximately 280 feet on the east line of Jefferson Davis Highway across from Jackson Street. Tax IDs 799-630-7246, 7351 and 9459.

Mr. Turner presented a summary of Case 06SN0315 and stated the Planning Commission and staff recommended approval subject to one condition.

Mr. Henry Moore, representing the applicant, stated the recommendation is acceptable.

Mr. King called for public comment.

Mr. C. L. Morrisette, Jr. expressed concerns relative to the restrictions being placed on electronic signs.

There being no one else to speak to the request, the public hearing was closed.

On motion of Mr. King, seconded by Mr. Miller, the Board approved Case 06SN0315, subject to the following condition:

In addition to Ordinance requirements, any computer-controlled, variable message, electronic sign shall conform to the following standards:

- a. The sign shall not be visible from property to the south and east which is zoned Residential. If visible, the sign shall be located a minimum of 1,000 feet from such properties;
- b. Copy shall be limited to a maximum of two (2) lines which shall not move, but may fade;

- c. The copy display color shall either be white or yellow;
- d. The message or display shall be programmed or sequenced to change no more than once every ten (10) seconds;
- e. Flashing and traveling messages shall be prohibited; and
- f. Bijou lighting and animation effects shall be prohibited. (P)

Ayes: King, Miller, Beirne, Humphrey and Warren.

Nays: None.

Mrs. Humphrey excused herself from the meeting.

#### **06SN0279**

In Bermuda Magisterial District, NEW CINGULAR WIRELESS PCS, LLC requests Conditional Use and amendment of zoning district map to permit a communications tower in an Agricultural (A) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1-5 acre lots, suited to R-88 zoning. This request lies on 0.5 acre lying approximately 740 feet off the south line of Carver Heights Drive approximately 600 feet west of West Booker Boulevard. Tax ID 776-649-Part of 6217.

Mr. Turner presented a summary of Case 06SN0279 and stated the Planning Commission and staff recommended approval subject to conditions.

Mr. Burke Lewis, representing the applicant, stated the recommendation is acceptable.

Mr. King called for public comment.

No one came forward to speak to the request.

On motion of Mr. King, seconded by Mr. Miller, the Board approved Case 06SN0279, subject to the following conditions:

1. The fenced compound for the tower shall be located a minimum of 100 feet from the eastern boundary of the property as identified on Sheet Ex-2 of plans prepared by Site Acquisitions, Inc. and dated August 14, 2006. A buffer of mature trees shall be preserved in the area between the fenced compound and eastern property boundary. Existing vegetation within this area shall be supplemented where necessary with additional landscaping to minimize the view of the site from the proposed right of way to the east. A detailed plan depicting this requirement shall be submitted to the Planning Department for approval in conjunction with final site plan review. No trees within the buffer may be removed unless such trees are dead, diseased or dying. (P)
2. There shall be no signs permitted to identify this use. (P)



3. The base of the tower shall be enclosed by a minimum six (6) foot high fence, designed to preclude trespassing. The fence shall be placed so as to provide sufficient room between the fence and the property line to accommodate evergreen plantings having an initial height and spacing to provide screening of the base of the tower and accessory ground-mounted equipment or structures from adjacent properties. In conjunction with site plan submission, or prior to release of a building permit, whichever occurs first, a landscaping plan depicting this requirement shall be submitted to the Planning Department for review and approval. (P)
4. The color and lighting system for the tower shall be as follows:
  - a. The tower shall be gray or another neutral color, acceptable to the Planning Department.
  - b. The tower shall not be lighted.
  - c. The tower shall be a monopole structure (P)
5. Any building or mechanical equipment shall comply with Sections 19-595 and 19-570 (b) and (c) of the Zoning Ordinance relative to architectural treatment of building exteriors and screening of mechanical equipment. (P)

(NOTE: Section 19-570 (b) and (c) would require the screening of mechanical equipment located on the building or ground from adjacent properties and public rights of way. Screening would not be required for the tower or tower-mounted equipment.)
6. The tower shall not exceed a height of 199 feet. (P)
7. At such time that the tower ceases to be used for communications purposes for a period exceeding twelve (12) consecutive months, the owner/developer shall dismantle and remove the tower and all associated equipment from the property. (P)

Ayes: King, Miller, Beirne and Warren.

Nays: None.

Absent: Humphrey.

#### **06SR0326**

In Midlothian Magisterial District, TRUSTEES OF STONY POINT REFORMED PRESBYTERIAN CHURCH request renewal of Conditional Use (Case 03SN0306) and amendment of zoning district map to permit a private school use. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for public/semi-public use. This request lies in a Residential (R-15) District on 4.7 acres and is known as 2330 Buford Road. Tax ID 755-717-3976.

Mr. Turner presented a summary of Case 06SR0326 and stated the Planning Commission and staff recommended approval and acceptance of the proffered conditions.

Mr. Jack Wheeler, representing the applicant, stated the recommendation is acceptable.

Mr. King called for public comment.

No one came forward to speak to the request.

On motion of Ms. Beirne, seconded by Mr. King, the Board approved Case 06SR0326, subject to the following conditions:

1. Except where the requirements of the underlying Residential (R-15) zoning are more restrictive, any new development for school use shall conform to the requirements of the Zoning Ordinance for commercial uses in Emerging Growth Areas, excluding buffer requirements. (P)
2. The following setback criteria shall apply to any outdoor play fields, courts swimming pools and similar active recreational areas:
  - a. With the exception of playground areas which accommodate swings, jungle gyms or similar such facilities, all active play fields, courts, swimming pools or similar active recreational facilities which could accommodate organized sports such as football, soccer, basketball, etc., shall be located a minimum of 100 feet from adjacent properties to the north, south and east. Within this setback, existing vegetation shall be supplemented, where necessary, with landscaping or other devices designed to achieve the buffering standards contained in Section 19-522(a)(2) of the Zoning Ordinance.
  - b. If active play fields, courts, swimming pools and similar active recreational areas are setback more than 100 feet from the adjacent properties to the north, south and east, the landscaping or other design features described in Condition 2.a. may be modified by the Planning Department at the time of site plan review. Such modification shall accomplish mitigation of the visual and noise impacts that sports or related activities have on adjacent properties equivalent to the 100 foot setback/landscaping requirements described in Condition 2.a.
  - c. Any playground areas (swings, jungle gyms or similar such facilities) shall be setback a minimum of forty (40) feet from all property lines. (P)

And, further, the Board accepted the following proffered conditions:

1. The operation of the private school shall be in conjunction with a church use only. (P)
2. There shall be no direct access from the property to Buford Road. (T)

Ayes: King, Miller, Beirne and Warren.

Nays: None.

Absent: Humphrey.

**06SN0334**

In Clover Hill Magisterial District, 3L LLC requests amendment to Conditional Use Planned Development (Case 86S117) and amendment of zoning district map to permit a veterinarian hospital. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for regional mixed use. This request lies in a Neighborhood Business (C-2) District on 1.2 acres fronting approximately 300 feet on the south line of Old Hundred Road approximately 150 feet west of Charter Colony Parkway. Tax ID 727-692-8910.

Mr. Turner presented a summary of Case 06SN0334 and stated the Planning Commission and staff recommended approval subject to one condition.

Mr. Vance Perry, representing the applicant, stated the recommendation is acceptable.

Mr. King called for public comment.

No one came forward to speak to the request.

On motion of Mr. Warren, seconded by Mr. Miller, the Board approved Case 06SN0334, subject to the following condition:

In addition to those uses permitted by Case 86SN117 within the Medium Density Office/Commercial Retail (MDO/CR) Tract, veterinary hospitals exclusive of outside runs shall be permitted. (P)

(NOTE: This condition is in addition to the Textual Statement, Item VI.E.4, of Case 86S117 relative to permitted uses in the MDO/CR Tract for the subject property.)

Ayes: King, Miller, Beirne and Warren.

Nays: None.

Absent: Humphrey.

Mrs. Humphrey returned to the meeting.

**07SN0168**

In Bermuda Magisterial District, JOSEPH AND KIMBERLY DICE request a temporary manufactured home permit to park a temporary manufactured home in a Residential (R-7) District. The density of this proposal is approximately 2.5 units per acre. The Comprehensive Plan suggests the property is appropriate for regional mixed use. This property is known as 10610 Seminole Avenue. Tax ID 797-663-2166.

Mr. Turner presented a summary of Case 07SN0168 and stated staff recommended approval for seven years, subject to conditions.

Mr. Joseph Dice stated the recommendation is acceptable.

Mr. King called for public comment.

No one came forward to speak to the request.

On motion of Mr. King, seconded by Mr. Miller, the Board approved Case 07SN0168, subject to the following conditions:

1. The applicants shall be the owners and occupants of the temporary manufactured home.
2. This temporary manufactured home permit shall be granted for a period not to exceed seven (7) years from date of approval.
3. No lot or parcel may be rented or leased for use as a temporary manufactured home site nor shall any temporary manufactured home be used for rental property.
4. No additional permanent-type living space may be added onto a temporary manufactured home. All temporary manufactured homes shall be skirted but shall not be placed on a permanent foundation.

Ayes: King, Miller, Beirne, Humphrey and Warren.

Nays: None.

#### **06SN0155**

In Midlothian Magisterial District, CONTINENTAL 184 FUND LLC requests rezoning and amendment of zoning district map from Community Business (C-3), Residential (R-7) and Agricultural (A) to Regional Business (C-4) with Conditional Use to permit multifamily residential uses and a Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for regional mixed use and medium density residential use of 1.51 to 4.0 units per acre. This request lies on 70.1 acres fronting approximately 400 feet on the south line of Robious Road approximately 1,780 feet on the north line of Koger Center Boulevard and approximately 800 feet on the west line of Old Farm Road. Tax IDs 742-711-0925 and Part of 6653; 742-712-4671, 9467 and 9735; 742-713-8076 and 9753; 743-711-Part of 7937; 743-712-1198; and 743-713-0527.

Ms. Rogers presented a summary of Case 06SN0155 and stated, in addition to extending Mall Drive through the subject property, the applicant has also agreed to extend Mall Drive from the property line north to Robious Road to connect to Cranbeck Road and, in return, has requested that the cash proffer amount for the first 370 dwelling units be reduced and for the remaining dwelling units, the applicant will pay the full cash proffer. She further stated the Planning Commission and staff recommended approval of the rezoning request and acceptance of the proffered conditions, noting that the proposal complies with the Huguenot/Robious/Midlothian Area Plan. She stated the Planning Commission determined that the proposal adequately addressed transportation needs in the area; however, it is staff's opinion that the full cash proffer should be paid in accordance with the Board's policy for each dwelling unit and

that pedestrian connections to the neighborhood to the east should be addressed. She further stated the Planning Commission recommended approval of the request for waiver to street connectivity requirements to Old Farm Road, indicating that the neighborhood's integrity would be protected. She stated staff recommended denial of the request for waiver to street connectivity requirements, indicating that this can best be evaluated through the subdivision review process.

Mr. John Easter, representing the applicant, stated the project will provide additional commercial development in the vicinity of Chesterfield Towne Center; the dedication of 2.4 acres for Huguenot Park; and the extension of Mall Drive to Robious Road to connect with Cranbeck Road. He stated the applicant has provided a full cash proffer for schools, fire, and libraries. He further stated the applicant will provide approximately \$2.5 million in road extensions, and in return, has requested to reduce the cash proffer for each unit up to 370, and will pay the full cash proffer for each unit above 370. He provided details of benefits of the offsite road construction to the county. He stated, to address concerns of the adjacent neighborhood, the applicant has provided no vehicular access to Old Farm Road; limited the building height within the portion of the property developed for multifamily use to two stories; provided a barrier to impede pedestrian access; and also provided additional evergreens in the buffers. He provided details of the accesses proposed for the development and requested the Board's approval of the rezoning and waiver to street connectivity.

Mr. King called for public comment.

Mr. C. L. Morrisette, Jr. stated, in his opinion, since the developer is willing to build the road up front, the cash proffer should be adjusted, indicating that this is a great opportunity for the county.

There being no one else to speak to the request, the public hearing was closed.

Ms. Beirne stated the proposal represents a valuable opportunity to connect Cranbeck Road to Chesterfield Towne Center.

Ms. Beirne then made a motion, seconded by Mr. Warren, for the Board to approve Case 06SN0155 and accept the following proffered conditions:

The Owner, pursuant to Section 15.2-2298 of the Code of Virginia (1950) (as amended) and the Zoning Ordinance of Chesterfield County, for itself and its successors or assigns, proffers that the property under consideration, known as Chesterfield County Tax Identification Numbers 742-711-6653 (part parcel), 742-711-0925, 742-712-4671, 742-712-9735, 742-712-9467, 742-713-9753, 742-713-8076, 743-711-7937 (part parcel), 743-712-1198, and 743-713-0527 (the "Property"), will be developed according to the following proffers if, and only if, the rezoning request submitted herewith is granted with only those conditions agreed to by the Owner. In the event this request is denied or approved with conditions not agreed to by the Owner, the proffers and conditions shall immediately be null and void and of no further force or effect:

1. Master Plan. The textual statement dated September 8, 2006, and the Conceptual Plan, prepared by Vanasse Hangen Brustlin, Inc., dated September 7, 2006, ("Conceptual Plan") shall be considered the Master Plan. (P)
2. Timbering. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)
3. Public Water and Wastewater. The public water and wastewater systems shall be used. (U)
4. Building Height. Within the portion of the Property developed for multifamily use, no building shall exceed two (2) stories in height. (P)
5. Barrier Near Terminus of Larkhill Lane. A landscape barrier and/or fence shall be provided to impede pedestrian traffic between the Property and Larkhill Lane. The exact location and nature of such barrier shall be approved by the Planning Department in conjunction with the initial site plan approval. (P)
6. Density. The maximum density of this development shall be 160,000 square feet of discount club, 218,000 square feet of shopping center, 4,000 square feet of fast-food restaurant with drive through window, 4,000 square feet of drive-in bank and 400 apartments; or equivalent density as determined by the Transportation Department. This density may be increased by the Planning Commission in accordance with paragraph 1 of the Textual Statement. (T)
7. Dedication. The following rights-of-way shall be dedicated, free and unrestricted, to Chesterfield County prior to any site plan approval or within sixty (60) days from the date of a written request by the Transportation Department, whichever occurs first:
  - a. Forty-five (45) feet of right-of-way on the north side of Koger Center Boulevard measured from the centerline of that part of Koger Center Boulevard immediately adjacent to the Property.
  - b. Forty-five (45) feet of right-of-way on the south side of Robious Road measured from the centerline of that part of Robious Road immediately adjacent to the Property.
  - c. Seventy (70) foot wide right-of-way for a north/south collector ("Mall Drive Extended") from the western Property line, through the Property to Koger Center Boulevard, as generally shown as "Proposed Right of Way" on the Conceptual Plan. The exact location of this right-of-way shall be approved by the Transportation Department. (T)

8. Access.

- a. Direct vehicular access from the Property to Koger Center Boulevard shall be limited to Mall Drive Extended and two (2) entrances/exits. Mall Drive Extended shall align the existing crossover on Koger Center Boulevard that serves Mall Drive. All other direct entrances/exits to Koger Center Boulevard shall be limited to right-turns-in and right-turns-out only. The exact location of these accesses shall be approved by the Transportation Department.
- b. Direct vehicular access from the Property to Robious Road shall be limited to one (1) entrance/exit, generally located at the western Property line. This entrance/exit shall be limited to right-turns-in and right-turns-out only. The exact location of this access shall be approved by the Transportation Department.
- c. No vehicular access shall be provided from the Property to Old Farm Road or to Sesame Street.
- d. Prior to any site plan approval, an access plan for Mall Drive Extended shall be submitted to and approved by the Transportation Department. Vehicular access from the Property to Mall Drive Extended shall conform to the approved access plan.
- e. Prior to any site plan approval within Area A as identified on the Conceptual Plan, an access easement, acceptable to the Transportation Department, shall be recorded from Mall Drive Extended across the Property to the western Property line to provide access to Mall Drive Extended for the adjacent parcel to the west (Tax ID 7417123204). (T)

9. Transportation Improvements. To provide an adequate roadway system, the Developer shall be responsible for the following improvements. The exact design and length of these improvements shall be approved by the Transportation Department. Alternate road improvements, as requested by the Developer and approved by the Transportation Department, which will provide acceptable levels of service as determined by the Transportation Department, may be substituted for the road improvements identified in this proffered condition:

- a. Construction of a four-lane divided road for Mall Drive Extended, based on VDOT Urban Collector Standards (40 MPH) with modifications approved by the Transportation Department, from the western Property line, through the Property to Koger Center Boulevard.
- b. Construction of additional pavement along the westbound lanes of Koger Center Boulevard at each approved access, including Mall Drive Extended, to provide separate right turn lanes.

- c. Construction of additional pavement along the eastbound lanes of Koger Center Boulevard at the crossover that serves Mall Drive Extended to provide dual left turn lanes.
  - d. Construction of additional pavement along Mall Drive Extended at its intersection with Koger Center Boulevard to provide a six-lane divided typical section (i.e., four (4) southbound lanes and two (2) northbound lanes).
  - e. Construction of additional pavement along the eastbound lanes of Robious Road at the approved access to provide a separate right turn lane.
  - f. Full cost of traffic signalization at the Koger Center Boulevard/Mall Drive Extended intersection, as determined by the Transportation Department.
  - g. Construction of additional pavement along Mall Drive Extended at each approved access to provide left and right turn lanes, based on Transportation Department standards.
  - h. Construction of a four-lane divided road for Mall Drive Extended, based on VDOT Urban Collector Standards (40 MPH) with modifications approved by the Transportation Department, from the western Property line to Robious Road.
  - i. Construction of additional pavement along Mall Drive Extended at its intersection with Robious Road to provide a six-lane divided typical section (i.e., four (4) northbound lanes and two (2) southbound lanes).
  - j. Construction of additional pavement along the eastbound lanes of Robious Road at the Mall Drive Extended intersection to provide a separate right turn lane.
  - k. Construction of additional pavement along westbound lanes of Robious Road at the crossover that serves Mall Drive Extended to provide an adequate left turn lane.
  - l. Full cost of traffic signal modification at the Robious Road/Mall Drive Extended intersection, as determined by the Transportation Department.
  - m. Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. (T)
10. Phasing Plan. Prior to any site plan approval, a phasing plan for the required road improvements, as identified in Proffered Condition 9, shall be submitted to and approved by the Transportation Department. The approved phasing plan shall require, among other things, that: 1) prior to the issuance of an occupancy permit for any development within Area A as identified on the Conceptual Plan, the road improvements as identified in



Proffered Condition 9 a., b. (only a right turn lane for Mall Drive Extended), c., d., and f. shall be completed as determined by the Transportation Department; and 2) prior to the issuance of an occupancy permit for any development within Area B as identified on the Conceptual Plan, the road improvements as identified in Proffered Condition 9. h, i., j., k., and l. shall be completed as determined by the Transportation Department. (T)

11. Impacts on Capital Facilities. The Applicant, subdivider, or assignee(s) shall pay, prior to the issuance of each building permit, the following to the County of Chesterfield for infrastructure improvements within the service district for the property:

a. For each of the first 370 building permits within the property, the payment shall be as follows:

i) If payment is made prior to July 1, 2007, \$6,750.00 per dwelling unit. At time of payment, \$6,750.00 will be allocated pro-rata among the facility costs as follows: \$348.00 for library facilities, \$667.00 for roads, \$404.00 for fire stations, and \$5,331.00 for schools; or

ii) If payment is made after June 30, 2007, the amount approved by the Board of Supervisors not to exceed \$6,750.00 per dwelling unit as set forth in Proffered Condition 11(a)(i) above and adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2006, and July 1 of the fiscal year in which the payment is made.

b. For each building permit within the property in excess of a cumulative total of 370, the payment shall be as follows:

i) If payment is made prior to July 1, 2007, \$15,600.00 per dwelling unit. At time of payment, \$15,600.00 will be allocated pro-rata among the facility costs as follows: \$348.00 for library facilities, \$8,915.00 for roads, \$404.00 for fire stations, \$602.00 for parks, and \$5,331.00 for schools; or

ii) If payment is made after June 30, 2007, the amount approved by the Board of Supervisors not to exceed \$15,600.00 per dwelling unit as set forth in Proffered Condition 11(b)(i) above and adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2006, and July 1 of the fiscal year in which the payment is made.

c. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law.

d. If Chesterfield County imposes impact fees at any time during the life of the development that are

applicable to the Property, the amount paid in cash proffers shall be in lieu of or credited toward, but not in addition to, any impact fees, in a manner as determined by the County.

12. Dedication of Parkland. Upon request by the Parks and Recreation Department, the Owner shall, prior to issuance of any building permit on the Property, dedicate, free and unrestricted, for the benefit of Chesterfield County, the property known as Tax ID 743-712-5024. (P&R)

Ayes: King, Miller, Beirne, Humphrey and Warren.

Nays: None.

Ms. Beirne stated waiving street connectivity to Old Farm Road will address neighborhood concerns.

Ms. Beirne then made a motion, seconded by Mrs. Humphrey, for the Board to approve the request for waiver of street connectivity requirements to Old Farm Road for Case 06SN0155.

Ayes: King, Miller, Beirne, Humphrey and Warren.

Nays: None.

#### **06SN0336**

In Bermuda Magisterial District, GREENACRES LIMITED PARTNERSHIP requests rezoning and amendment of zoning district map from Agricultural (A) to Community Business (C-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for mixed use corridor use. This request lies on 4.4 acres fronting approximately 880 feet on the north line of Iron Bridge Road across from Branders Creek Drive. Tax IDs 777-653-3990 and 8491.

Ms. Rogers presented a summary of Case 06SN0336 and stated the Planning Commission and staff recommended approval and acceptance of the proffered conditions. She further stated concerns were expressed at the Planning Commission meeting from Arbor Landing residents relative to increased traffic and congestion in their subdivision as a result of the proposed road between Iron Bridge Road and Ironbridge Parkway.

Ms. Carrie Coyner, representing the applicant, stated the recommendation is acceptable.

Mr. King called for public comment.

No one came forward to speak to the request.

Mr. King stated, in his opinion, the connectivity proposal is appropriate for the area.

Mr. King then made a motion, seconded by Mr. Warren, for the Board to approve Case 06SN0336 and accept the following proffered conditions:

The Owner-Applicant in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for itself and its successors or assigns, proffers that the development of the properties known as Chesterfield County Tax IDs 777-653-3990-00000 (2.5 acres) and 777-653-8491-00000 (1.9 acres) from A to C-3 with restricted uses will be developed as set forth below; however, in the event the request is denied or approved with conditions not agreed to by the Owner-Applicant, these proffers and conditions shall be immediately null and void and of no further force or effect.

1. Timbering. Except for the timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)

2. Transportation.

A. Dedications/Recordation.

a. Prior to any site plan approval or within 60 days of from a written request by the Transportation Department, whichever occurs first, one-hundred (100) feet of right of way on the north side of Ironbridge Road (Route 10), measured from the centerline of that part of Route 10 immediately adjacent to the property shall be dedicated free and unrestricted, to and for the benefit of Chesterfield County.

b. Prior to any site plan approval, a fifty (50) foot wide right-of-way for a Special Access Street (the "Site Road") from Route 10 to the northern property line shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. The exact location of this right-of-way shall be approved by the Transportation Department.

c. Prior to any site plan approval, an access easement, acceptable to the Transportation Department, shall be recorded across the property to provide shared use of the Site Road with the adjacent properties to the east.

B. Access.

Direct access from the property to Route 10 shall be limited to one (1) entrance/exit. The entrance/exit shall align the existing crossover on Route 10 that serves Branders Creek Drive. The exact location of this access shall be approved by the Transportation Department.

C. Road Improvements.

To provide an adequate roadway system, the developer shall be responsible for the following.

The exact design and location of these improvements shall be approved by the Transportation Department.

- a. Construction of additional pavement along the westbound lanes of Route 10 at the Site Road intersection to provide a separate right turn lane, based on Transportation Department standards.
- b. Construction of additional pavement along the eastbound lanes of Route 10 at the existing crossover that serves the Site Road to provide an adequate left turn lane.
- c. Construction of a sidewalk to VDOT standards along Route 10 for the entire property frontage.
- d. Construction of additional pavement along the Site Road at its intersection with Route 10 to provide a four-lane typical section (i.e., one (1) northbound lane and three (3) southbound lanes.
- e. Construction of an additional lane of pavement along the westbound lanes of Route 10 for the entire property frontage.
- f. Full cost of traffic signal modification at the Route 10/Site Road intersection.
- g. Dedication to Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for the improvements identified above.

Phasing.

Prior to any site plan approval, a phasing plan for the required Road Improvements, as identified in Proffered Conditions 2(C) a-g, shall be submitted to and approved by the Transportation Department. (T)

3. Uses shall be limited to those permitted by right or with restrictions in the Neighborhood Business (C-2) district plus the following uses:
  - (a) Contractors' office and display rooms.
  - (b) Fraternal/charity uses.
  - (c) Schools - commercial, trade, vocational and training.
  - (d) Recreational establishments, commercial-indoor.
  - (e) Hotels.
  - (f) Theaters, except drive-in theaters.
  - (g) Repair shops, excluding motor vehicle repair.
  - (h) Electrical, plumbing or heating supply sales, service and related display rooms. (P)
4. Utilities. The public wastewater system shall be used.  
(U)

5. Prior to site plan approval, the developer shall submit certification to the Planning Department that the last known representative of the Ironbridge Property Owners Association (IPOA) has been notified in writing of the submission of the site plan to the County for review and approval. The site plan application shall not be considered complete until such certification has been submitted to the Planning Department. The fifteen (15) day period for appeals to the Planning Commission shall not commence until such certification has been provided.  
(P)

Ayes: King, Miller, Beirne, Humphrey and Warren.

Nays: None.

#### **06SN0250**

In Dale Magisterial District, SHAWN WEST requests Conditional Use and amendment of zoning district map to permit a family day care home in a Residential (R-7) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51-4.0 dwelling units per acre. This request lies on 0.7 acre and is known as 7401 Hopkins Road. Tax ID 782-677-2190.

Mr. Turner re-called Case 06SN0250 and stated the Planning Commission and staff recommended approval subject to conditions.

Ms. Shawn West stated she accepts the recommendation.

Mr. King called for public comment.

No one came forward to speak to the request.

In response to Mr. Miller's question, Ms. West stated she provides care for 12 children, ages one to nine.

Mr. Miller expressed concerns for the safety of the children at the day care since Hopkins Road is very busy and there is no fence on the property.

Ms. West stated the parents must enter her driveway from one direction when picking up and dropping off children, and she has strict rules for the children to hold the parents' hands while walking to the door. She further stated there is a fence on both sides of the property in the back yard. She stated she has three employees, in addition to herself, to supervise the children.

Mrs. Humphrey stated this is a good location for a day care facility and an excellent service for the community. She, too, expressed concerns for the safety on children on heavily traveled Hopkins Road and suggested that Ms. West provide some sort of barrier for the children. She stated, if there were not a circular driveway, she would not support the request.

Mr. Miller stated he would not support the request if it were not limited to two years.

Mr. Miller then made a motion, seconded by Mrs. Humphrey, for the Board to approve Case 06SN0250, subject to the following conditions:

1. This Conditional Use shall be granted to and for Shawn West, exclusively for a period not to exceed two (2) years from date of approval, and shall not be transferable or run with the land.
2. There shall be no exterior additions or alterations to the existing structure to accommodate this use. (P)
3. There shall be no signs permitted to identify this use. (P)

Ayes: King, Miller, Beirne, Humphrey and Warren.

Nays: None.

#### **16. PUBLIC HEARING**

##### **O TO CONSIDER A FRANCHISE AGREEMENT WITH CAVALIER TELEPHONE AND TV**

Mr. Micas stated this date and time has been advertised for a public hearing to consider a franchise agreement with Cavalier Telephone and TV. He provided details of the 15-year franchise agreement that staff has negotiated with Cavalier. He stated staff recommends approval of the agreement.

Mr. King called for public comment.

No one came forward to speak to the issue.

Mrs. Humphrey thanked both Cavalier and Verizon for answering her questions regarding the provision of service in the Matoaca District.

On motion of Mrs. Humphrey, seconded by Mr. King, the Board awarded a franchise to Cavalier Telephone and TV and authorized the County Administrator to execute a franchise agreement in a form approved by the County Attorney in substantial conformance with the agreement filed with the papers of this Board.

Ayes: King, Miller, Beirne, Humphrey and Warren.

Nays: None.

#### **17. REMAINING MANUFACTURED HOME PERMITS AND ZONING REQUESTS**

There were no remaining manufactured home permits or zoning requests at this time.

#### **18. FIFTEEN-MINUTE CITIZEN COMMENT PERIOD ON UNSCHEDULED MATTERS**

Mr. C. L. Morrisette, Jr. addressed the Board relative to the acceptance of gifts from citizens by county employees and the importance of the county's Auxiliary Police Officers.

**19. ADJOURNMENT**

On motion of Mr. King, seconded by Ms. Beirne, the Board adjourned at 8:20 p.m. until November 8, 2006 at 4:00 p.m.

Ayes: King, Miller, Beirne, Humphrey and Warren.

Nays: None.

---

Lane B. Ramsey  
County Administrator

---

R. M. "Dickie" King, Jr.  
Chairman